

SENATE BILL 2627

By Tate

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 29 and Title 49, relative to a board of
trustees for the achievement school district.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-1-614(a), is amended by designating the existing language as subdivision (1) and adding the following language as subdivision (2):

(2) A board of trustees shall be created for the ASD under § 49-1-618. The board of trustees shall be the policy-making body for the ASD and shall perform duties with respect to the ASD as provided by law.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 1, Part 6, is amended by adding the following language as a new section:

49-1-618.

(a) The board of trustees of the achievement school district (ASD) shall consist of at least five (5) and no more than eleven (11) members. The appointment of the board of trustees of the ASD shall meet the following conditions:

(1) The governor shall appoint one (1) member who shall not be employed by the department of education or the state board of education, but who shall be an expert in the field of kindergarten through grade twelve (K-12) education. The governor's appointee shall be subject to confirmation by joint resolution of the general assembly upon the recommendations of the education committee of the senate and the education administration and planning committee of the house of representatives. If the general assembly is not in

session at the time the governor appoints a member to fill a vacancy resulting from the expiration of a term, the member of the board whose term has expired shall serve until a new appointee is confirmed. If the general assembly is not in session at the time the governor appoints a member to fill a vacancy not resulting from the expiration of a term, the new appointee shall serve for the term appointed unless such appointment is not confirmed within sixty (60) calendar days after the general assembly next convenes in regular session following the appointment. If the general assembly is not in session when the governor makes the initial appointment to the board of trustees, the initial appointee shall serve a four-year term, unless the appointment is not confirmed within sixty (60) calendar days after the general assembly next convenes in regular session following the appointment;

(2) A local board of education of an LEA that has one (1) or more schools that have been placed in the ASD shall appoint two (2) members to the initial board of trustees. The members shall be designated as filling seat 1 or seat 2. The initial members appointed by the local boards who fill seat 1 shall serve a term of four (4) years and those who fill seat 2 shall serve a term of two (2) years;

(3) After the appointment of the initial board of trustees, each local board of an LEA that subsequently has its first school placed in the ASD shall appoint two (2) members to the board until the number of LEAs having a school in the ASD equals five (5). The members appointed by a local board shall be designated as filling seat 1 or seat 2. Those members appointed by the local boards who fill seat 1 shall serve a term of four (4) years and those who fill seat 2 shall serve a term of two (2) years;

(4) If the number of LEAs having a school in the ASD equals five (5) and an additional LEA subsequently has its first school placed in the ASD, then the local board of that LEA shall appoint one (1) member of the board of trustees.

The member so appointed shall take the seat of the member who has the longest tenure on the board from an LEA with the fewest number of schools in the ASD;

(5) If the number of LEAs having schools placed in the ASD exceeds nine (9), then the board members shall rotate through the LEAs in the order in which each LEA had its first school placed in the ASD; provided, however, that any LEA with the most schools in the ASD shall always have two (2) seats on the board;

(6)

(A) A member of the board of trustees appointed by a local board of education shall reside in the LEA that the member represents;

(B) No more than one (1) member appointed by a local board of education shall be a member of that local board; and

(C) If an LEA ceases to have a school in the ASD, then any member of the board of trustees appointed by the LEA shall cease to be a member of the board. The board of trustees shall decide whether a member is to be appointed to replace the member leaving the board, and if the member is replaced, which LEA with schools in the ASD is to appoint the member taking into consideration the appointment of the members as determined under subdivisions (a)(2)-(5);

(7) After the initial appointments to the board of trustees, all members shall serve four-year terms;

(8) Members shall not serve more than two (2) consecutive four-year terms. Initial appointees who serve an initial term of less than four (4) years may be subsequently reappointed to two (2) additional consecutive terms of four (4) years;

(9) Notwithstanding subdivision (a)(7), members serving on the board of trustees whose terms have expired shall continue to serve until their successors are appointed. Vacancies on the board shall be filled by the appointing authority; and

(10) Members of the initial board of trustees shall be appointed before August 1, 2016. The board of trustees shall begin service on August 1, 2016.

(b) Members of the board of trustees shall be knowledgeable in the field of kindergarten through grade twelve (K-12) education.

(c) Members of the board of trustees shall serve without compensation, but may be reimbursed for travel expenses, in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(d)

(1) The board shall meet at least quarterly in an LEA that has at least one (1) school in the ASD. The board may have as many special meetings as it deems necessary. The board may also meet electronically in accordance with § 8-44-108. All meetings of the board shall be open meetings under title 8, chapter 44, part 1.

(2) At its first meeting, the board of trustees shall elect a chair and such other officers as the board finds necessary.

(e) The board of trustees shall adopt and implement a conflict of interest policy for board members. The policy shall mandate annual written disclosures of financial interests, the filing of conflicts of interest disclosure statements under title 8, chapter 50, part 5 with the ethics commission, and an acknowledgement by board members that they have read and understand all aspects of the policy. The policy shall also require

persons who are to be appointed to the board of directors to acknowledge, as a condition of appointment, that they are not in conflict with the conditions of the policy.

(f) Members of the board of trustees shall not have a contract for employment or a contract to do business with any LEA that has a school placed in the ASD, a charter school for which the ASD is the chartering authority, or a school operated by the ASD.

(g) No member of the board of trustees shall be a registered lobbyist or have a contract with or be employed by any organization that employs a registered lobbyist.

(h) The department of education shall provide administrative assistance to the board of trustees.

(i) It is the duty of the board, and it has the power to:

(1) Set policy for the ASD;

(2) Approve the placement of a school in the ASD or the removal of a school from the ASD, before a school is placed in or removed from the ASD;

(3) Approve the hiring or firing of a director of schools for the ASD. No director shall be hired or fired without the board's approval;

(4) Oversee contracts between the ASD and vendors, including charter school management organizations;

(5) Approve the budget of the ASD prior to its submission to the governor; and

(6) Exercise general oversight over the ASD.

SECTION 3. The division of state audit shall include as part of its scheduled audit of the department of education a review of the board of trustees of the achievement school district.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.